APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,578	09/18/2000	Stephen C. Roderick	130244	3952

25943   7590   12/17/2008
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ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
12/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/664,578	RODERICK, STEPHEN C.
		Examiner	Art Unit	
		ADAM L. BASEHOAR	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 September 2008</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>3-6,10,11,23,26-28,31-33,35,37,38,40-43 and 45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>3-6,10,11,23,26-28,31-33,35,37,38,40-43 and 45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>18 September 2000</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: The Amendment filed 09/11/08.

2.   Claims 39 and 44 have been cancelled as necessitated by Amendment.

2.   Claims 3-6, 10, 11, 23, 26-28, 31-33, 35, 37-38, 40-43, 45 are pending. Claims 27, 31,

40 are independent claims.

Drawings

3.   The drawings were received on 09/18/00. These drawings are not acceptable. New

corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because

the handwritten drawings of figures 2, 4, 6, and 8 are unreadable. Applicant is advised to employ

the services of a competent patent draftsperson outside the Office, as the U.S. Patent and

Trademark Office no longer prepares new drawings. The corrected drawings are required in

reply to the Office action to avoid abandonment of the application. The requirement for corrected

drawings will not be held in abeyance.

Allowable Subject Matter

4.   The indicated allowability of claims 39 and 44 is withdrawn in view of the newly

discovered reference Tobin (US-2001/0007991 07/12/01). Rejections based on the newly cited

reference(s) follow.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if
> the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would
> have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3, 6, 10-11, 23, 26-28, 31-33, 35, 37-38, 40-43, and 45 are rejected under 35 U. S.

C. 103 (a) as being unpatentable over Blinn et al (5,897,622), in view of Wolff (6,247,047), in

view of Bezos et al. (6,029,141), and further in view of Tobin (US-2001/0007991 07/12/01).

   As per independent apparatus claim 27 (and similarly, storage medium claim 31,

and claim 40), Blinn discloses processing queries, including the dynamic generation of web

pages (see columns 3-4), in which a page is composed for display by processing a template

having a request for information (query) from an order. Refer also to Blinn's figures 1, 2, 3A, 3B,

5, 10, 12, 14, in which various embodiments illustrating the operation of the dynamic page

generator are disclosed, including a processor, storage device, presenting (i.e. provisioning)

information to a user etc.

   Blinn teaches a URL with a server and various identifiers (Blinn column 7 lines 14-26).

Blinn does not specifically teach a product identifier immediately following a server name

(separated by a separator). However, Wolff teaches a URL banner with a server name

(www.bannerbuy.com) with a unique product identifier (e.g. unique indicia reflective of a

product) immediately appended after said server and separator (www.bannerbuy.com/12345)

(see Wolff Figure 2 item 104, also Abstract, and column 8 lines 35-55). It would have been

obvious to one of ordinary skill in the art at the time of the invention to apply Wolff to Blinn, providing Blinn the benefit of adaptation to various typical types of URL resource calls.

Blinn does not specifically teach a "*pseudo*" resource identifier, with identification of a marketing source (Internet or non-Internet) marketing code. However, Bezos teaches an Internet based customer referral system comprising a URL address referencing a registered associate (e.g. an associate Web page) within said URL (see Bezos column 12 line 60 to column 13 line 8 – especially "mystoreA"). See also Bezos column 6 lines 30-48, column 7 lines 25-30. It is noted that, although "mystore" is taught as an Internet Web site, Bezos also teaches an associate source using a non-hypertextual catalog (including paper-based catalogs) (Bezos column 8 lines 42-48), and that non Web-based technology can be used (Bezos column 8 lines 32-42). It is also noted that a registered associate such as "mystore" is a media type. Therefore, Bezos's resource identifier can be interpreted as a form of "*pseudo*" resource identifier, since said identifier identifies the source of marketing (i.e. internet based, or non-Internet based), along with a product identifier (e.g. ISBN number) in the same URL. It is also noted that column 8 lines 42-48 declares an associate as a non-Internet source (a paper catalog), said catalog instructing a user to input a URL (with the referral info.) into a browser. It is at least obvious to the skilled artisan that Bezos's system knows an associate's source as Internet based, or paper catalog based, so as to pay commissions accordingly, minimize fraud, prevent links to inappropriate sources, etc., therefore the referral information in Bezos's URL can be reasonably interpreted as a form of Internet or non-Internet marketing code. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of increasing sales of products by awarding commissions.

Blinn does not specifically teach maintaining statistics for said marketing codes. However, Bezos teaches report generation software providing information regarding number of books ordered through an associate's links (Bezos column 16 lines 10-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of providing feedback reports to assist the associates in conducting business (see Bezos column 16 lines 27-30).

Regarding "*an industry standard product identifier*" (independent claim 29), Blinn does not specifically teach this. However, Bezos teaches an ISBN number (an industry standard product identifier) embedded within a URL (Bezos column 12 line 60 to column 13 line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of standardization that an industry standard identifier brings.

Blinn does not specifically teach a "type of media", Internet medium, television, print, etc, as well as a buyer's guide. However, Bezos teaches Bezos teaches an Internet based customer referral system comprising a URL address referencing a registered associate (e.g. an associate Web page) within said URL (see Bezos column 8 lines 32-48: "web site…hypertextual e-mail messages...television…catalogs" column 12 line 60 to column 13 line 8 – especially "mystoreA"). See also Bezos column 6 lines 30-48, column 7 lines 25-30. It is noted that, although "mystore" is taught as an Internet Web site, Bezos also teaches an associate source using a non-hypertextual catalog (including paper-based catalogs) (Bezos column 8 lines 42-48). It is also noted that column 8 lines 42-48 declares an associate as a non-Internet source (a paper catalog), said catalog instructing a user to input a URL (with the referral info.) into a browser. It

is at least obvious to the skilled artisan that Bezos's system knows an associate's source as

Internet based, or paper catalog based (typically a form of buyer's guide), so as to pay

commissions accordingly, minimize fraud, prevent links to inappropriate sources, etc. The

referral information in Bezos's URL can be reasonably interpreted as a form of Internet or non-

Internet marketing code. It would have been obvious to one of ordinary skill in the art at the time

of the invention to apply Bezos to Blinn, providing Blinn the benefit of increasing sales of

products by awarding commissions, and to provide alternate ways of buying products.

       While Blinn, Wolff, and Bezos all teach dynamically generating and returning a web

page to a user based on the on the URL query, neither of the references specifically teach at least

a portion of the information presented in the returned web page being based in part on the type of

requesting media. Tobin teaches dynamically presenting a portion of information in a retrieved

information page based at least in part on the type of media a URL was embedded in (Paragraphs

8-10, 12-13, 40-41: e.g. "Web site pages are dynamically customized...in graphic and a content

format to take advantage of the consumer's familiarity with...participating Web site", 43, 59: e.g.

"The Web site pages of…are customized...modified version of the header", and 62-63). It would

have been obvious to one of ordinary skill in the art at the time of the invention for the associate

referral system of Bezos to have altered the returned information page to include the URL media

type as shown in Tobin, because Tobin taught that by modifying the retrieved web page to

include the referral information the client's familiarity with the marketing partner's brand could

be reinforced as well increase the consumer's trust in the participating Internet site (Paragraphs

8, 40, 43: "advantages", 59: "familiarity…brand is reinforced"). This combination would have

in turn provided the same similar benefits to the system of Blinn provided through the already

relied upon teachings of Bezos.

In regard to dependent claim 3, Blinn does not specifically teach an ISPID. However,

Bezos teaches an ISBN number (a form of ISPID) (Bezos column 12 line 60 to column 13 line

1). It would have been obvious to one of ordinary skill in the art at the time of the invention to

apply Bezos to Blinn, providing Blinn the benefit of standardization (ISPID) that an industry

standard identifier (ISBN) brings.

In regard to dependent claim 6, Blinn, Wolff, and Bezos teach queries using an ISBN

(a form of ISPID), see above. It is noted that Blinn dynamically creates Web pages accordingly if

said page is not already residing in a cache (as is known in the art).

In regard to dependent claims 10, 11, Blinn does not specifically teach automatically

and periodically generates marketing reports, or of a user requesting a report on demand.

However, Bezos teaches weekly automatic report generation software providing information

regarding number of books ordered through an associate's links (Bezos column 16 lines 10-26).

Bezos also teaches that an associate can access an online menu for custom reports, and to

set up customized frequency of reports (i.e. on demand, etc.) (Bezos column 16 lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to apply Bezos to Blinn, providing Blinn the benefit of providing periodic feedback reports to

assist the associates in conducting business (see Bezos column 16 lines 27-30).

In regard to dependent claim 23, Blinn does not specifically teach an ISPID. However, Bezos teaches an ISBN number (a form of ISPID) (Bezos column 12 line 60 to column 13 line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of standardization (ISPID) that an industry standard identifier (ISBN) brings.

In regard to dependent claims 26, 45, Blinn does not specifically teach automatically and periodically generates marketing reports, or of a user requesting a report on demand. However, Bezos teaches weekly automatic report generation software providing information regarding number of books ordered through an associate's links (Bezos column 16 lines 10-26).

Bezos also teaches that an associate can access an online menu for custom reports, and to set up customized frequency of reports (i.e. on demand, etc.) (Bezos column 16 lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing Blinn the benefit of providing periodic feedback reports to assist the associates in conducting business (see Bezos column 16 lines 27-30).

In regard to dependent claim 28, claim 28 incorporates substantially similar subject matter as claimed in claim 27, and is rejected along the same rationale.

In regard to dependent claim 32, claim 32 incorporates substantially similar subject matter as claimed in claim 31, and is rejected along the same rationale.

In regard to dependent claim 33, Blinn, Wolff, and Bezos teach queries using an ISBN (a form of ISPID), see above. It is noted that Blinn dynamically creates Web pages accordingly if said page is not already residing in a cache (as is known in the art).

In regard to dependent claims 35, 41, Blinn teaches querying a database stored locally (Blinn column 6 lines 25-30). In addition, both Blinn and Wolff teach a URL with a server and various identifiers querying remote sources (see the rejection of claim 29 above).

In regard to dependent claims 37-38, 42-43, Blinn does not specifically teach a "type of media", Internet medium, television, print, etc, as well as a buyer's guide. However, Bezos teaches Bezos teaches an Internet based customer referral system comprising a URL address referencing a registered associate (e.g. an associate Web page) within said URL (see Bezos column 8 lines 32-48: "web site…hypertextual e-mail messages...television…catalogs" column 12 line 60 to column 13 line 8 – especially "mystoreA"). See also Bezos column 6 lines 30-48, column 7 lines 25-30. It is noted that, although "mystore" is taught as an Internet Web site, Bezos also teaches an associate source using a non-hypertextual catalog (including paper-based catalogs) (Bezos column 8 lines 42-48). It is also noted that column 8 lines 42-48 declares an associate as a non-Internet source (a paper catalog), said catalog instructing a user to input a URL (with the referral info.) into a browser. It is at least obvious to the skilled artisan that Bezos's system knows an associate's source as Internet based, or paper catalog based (typically a form of buyer's guide), so as to pay commissions accordingly, minimize fraud, prevent links to

inappropriate sources, etc. The referral information in Bezos's URL can be reasonably

interpreted as a form of Internet or non-Internet marketing code. It would have been obvious to

one of ordinary skill in the art at the time of the invention to apply Bezos to Blinn, providing

Blinn the benefit of increasing sales of products by awarding commissions, and to provide

alternate ways of buying products.

Blinn, Wolff, and Bezos teach queries using an ISBN (a form of ISPID), see above. It is

noted that Blinn dynamically creates Web pages accordingly if said page is not already residing

in a cache (as is known in the art).

7.   Claim 4 is rejected under 35 U. S. C. 103(a) as being unpatentable over Blinn et al.,

Wolff, Bezos et al., and Tobin, as applied to independent claim 27 above, and further in view of

Bijnagte (5,235,680).

In regard to dependent claims 4, 14, it is noted that Blinn fails to teach details of "real

estate identifier" (MLS). However, Bijnagte's disclosure is directed toward providing real estate

information, and in view of Blinn's disclosure of processing merchant information (see columns

7-12, e.g., column 10, lines 5 et seq--The merchant system 120 provides a set of HTML, pages

dynamically generated from queries to a database 121 having store information, such as

inventory data, advertising copy, product images, pricing, customer information and

promotions.) One of ordinary skill in the art would be motivated to process queries that include

real estate information (i.e. MLS), in order to help the user to narrow searches.

8.   Claim 5 is rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al.,

Wolff, Bezos, and Tobin as applied to independent claim 27 above, and further in view of

Kirkevold et al. (6,263,322).

In regard to dependent claim 5, Blinn et al. does not specifically teach a VIN code.

However, Kirkevold et al. teaches querying via VIN code (Kirkevold et al. column 17 lines 35-

56). It would have been obvious to one of ordinary skill in the art at the time of the invention to

apply Kirkevold et al. to Blinn et al., providing Blinn et al. the benefit of vehicle identification as

part of resource identifiers, to broaden the scope of querying.

Response to Arguments

9.   Applicant's arguments filed 09/11/08 have been carefully reviewed, but are not

persuasive for at least the reasons set forth below.

-As noted above, the newly cited Tobin reference has been relied upon to teach

generating the retrieved information page based in part on the type of media that was utilized to

request the information. The Examiner further notes, in view of the Bezos reference, that a

defined media type could be both the specific medium to which the URL was disseminated

(column 8, lines 17-48) or the sales agent associate who was responsible for disseminating the

URL to said specific medium (column 11, lines 1-15)(Fig. 4). As per Applicant's specification,

the marketing code indicating the associated marketing material/source could for example be a

print media, radio advertisement, and a particular sales agent (Specification: Pages 25-26: "Table

1").

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

       Please note the additionally cited references on the accompanying PTO-892 Form.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ADAM L. BASEHOAR whose telephone number is (571)272-

4121. The examiner can normally be reached on M-F: 8:00am - 5:00pm.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

       Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam L Basehoar/
Primary Examiner, Art Unit 2178